INVESTIGATIVE SUMMARY

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

SIGNIFICANT FORCE INCIDENT EVALUATION

UNIT: Men's Central Jail
DATE: February 2, 2008, Saturday
TIME: 0845 hours
LOCATION: 441 Bauchet Street, Module 2600/2800
URN#: 008-00156-5100-145
IAB#: FO2213150

NATURE OF INCIDENT:

On Saturday, February 2, 2008 at approximately 0845 hours, Deputy James Krase was assisting the 2600 and 2800 module deputies prepare transfer lines to Pitchess Detention Center facilities. Inmates that were to be transferred were instructed to exit their cell and a number was written on their hand. The number on their hand corresponded to the facility that they were being transferred to. The inmates were then instructed to enter the module's laundry room, were they would remain until their name was called. The inmates would then be escorted, in a group, to the Inmate Reception Center.

Deputy Krase called Inmate Suspect Joseph Deguerre's name and instructed him to exit the laundry room. Deputy Krase noticed that Suspect Deguerre did not have a number written on his hand and he instructed the inmate worker to write the facility number on his hand. Suspect Deguerre refused to allow the inmate worker to mark his hand. Deputy Krase again directed Suspect Deguerre to allow the inmate worker to write the number on his hand but he would not comply. Deputy Krase also noticed that Suspect Deguerre was becoming agitated.

Fearing that the situation would escalate, Deputy Krase ordered Suspect Deguerre to face the 2800 module security bars so that he could safely approach and handcuff him. Suspect Deguerre complied however he would not put both arms behind his back when told to do so by Deputy Krase. Suspect Deguerre placed his left arm behind his back and put his right arm up against the security bars.

Deputy Krase approached Suspect Deguerre and took hold of his right arm in order to place it behind his back for handcuffing. Suspect Deguerre tensed his right arm and

resisted Deputy Krase's efforts to place it behind his back. Suspect Deguerre simultaneously made a fist with his right hand and pulled away from Deputy Krase's grip. Suspect Deguerre then began to turn toward Deputy Krase while raising his fists.

Fearing that Suspect Deguerre was about to assault him, Deputy Krase struck him on his face three to five times with this fists. Suspect Deguerre began swinging his fists, striking Deputy Krase on the left side of his face and upper torso. Deputy Adam Villalobos, having seen the fight from inside the 2800 security booth, responded and assisted Deputy Krase. Deputy Villalobos struck Suspect Deguerre several times in the face and shoulder area with his fists. Suspect Deguerre lunged his body towards Deputy Villalobos and struck and "pinned" him between the security bars and his (Suspect Deguerre's) body.

> **IAB Note:** Suspect Joseph Deguerre is six foot five inches tall and weighs two hundred and ninety pounds. See Exhibit C.

Suspect Deguerre's actions caused Deputy Villalobos to forcefully strike the security bars, causing his right shoulder to dislocate. Suspect Deguerre continued to fight with Deputy Krase and several other deputies that had responded to assist. Deputies took Suspect Deguerre down to the floor so that he could be controlled and handcuffed. Suspect Deguerre continued to fight the deputies, kicking his legs and swinging his elbows.

The 2600 Module Officer, Custody Assistant Christopher Silva, advised the facility personnel (via radio) that deputies were involved in a fight.

Suspect Deguerre was able to overpower the deputies and utilizing the security bars he lifted himself back up on his feet. Once on his feet, Suspect Deguerre continued to fight, swinging his fists violently at the deputies. Deputy Krase activated the X-26 Taser, striking Suspect Deguerre in the back. The Taser had no affect, as Suspect Deguerre continued to fight. Deputy krase removed the used cartridge, placed the Taser on Suspect Deguerre's back and "Contact tased" him for another two, five second cycles. Again, the Taser apparently had no affect, as Suspect Deguerre continued to fight the deputies.

> **IAB Note:** Video recordings from the X-26 Tasers are included in this report. See Exhibit I.

Deputies were once again able to take Suspect Deguerre down to the floor however he continued to fight, swinging his fists and kicking his feet. Deputies shouted commands for him to stop fighting and resisting however Suspect Deguerre would not comply. Additional deputies responded and the Taser was again deployed (Contact) several times. Suspect Deguerre was also struck several times with flashlights on his legs, upper torso and wrists. He was also sprayed with Oleoresin Capsicum.

After several minutes, deputies were finally successful in handcuffing Suspect Deguerre without further incident. Several deputies sustained injuries as a result of the incident. Those injuries included contusions, scrapes and bruises. One deputy sustained a dislocated shoulder.

> **IAB Note:** Photographs of Deputy's injuries were taken and included in this report. See Exhibit G.

The 2000 Floor Supervisor, Sergeant Patrick Tapia #207268, was working inside the 2000 floor sergeant's office when the incident occurred. He did not hear the emergency radio traffic which was broadcasted by Custody Assistant Christopher Silva. Sergeant Tapia saw deputies running past his office towards the 2600/2800 modules which alerted him that something was occurring. Sergeant Tapia responded and arrived to the module. Suspect Deguerre was handcuffed shortly after Sergeant Tapia arrived.

Suspect Deguerre was transported to Los Angeles County Medical Center were he was treated for his injuries. The medical staff verbally confirmed that Suspect Deguerre sustained a fracture to his left orbital and nose however due to the "Health Insurance Portability and Accountability Act (HIPAA), they would not provide any documentation regarding Suspect Deguerre's medical treatment.

> **IAB Note:** Photographs of Suspect Deguerre's injuries were taken and included in this report. See Exhibit F.

Internal Affairs Bureau Lieutenant Clay Porlier was notified and Sergeants Carlos Flores and David Stunson responded to Men's Central Jail to conduct an administrative review of the incident. The following review is based on written documentation, interviews of witnesses, involved deputies, and medical staff.

INVOLVED PERSONNEL:

Krase, James - Deputy Sheriff, Employee [redacted] MW/[redacted] 504/160
Men's Central Jail
Custody Division

Date of Employment: 10-02-07
Date Assigned to Unit: 03-04-07
Prior Founded Force Incidents: [redacted]

Villalobos, Adam - Deputy Sheriff, Employee # MH/ 509/185
Men's Central Jail
Custody Division

Date of Employment: 06-04-07
Date Assigned to Unit: 11-04-07
Prior founded Force Incidents:

Diaz, Armando - Deputy Sheriff, Employee # MH/ 508/200
Men's Central Jail
Custody Division

Date of Employment: 10-25-06
Date Assigned to Unit: 03-04-07
Prior Founded Force Incidents:

Sanchez, Jose - Deputy Sheriff, Employee # MH/ 509/185
Men's Central Jail
Custody Division

Date of Employment: 08-02-06
Date Assigned to Unit: 12-10-06
Prior Founded Force Incidents:

Hernandez-Castanon, Alejandro -Deputy Sheriff, Employee # MH/ 509/180
Men's Central Jail
Custody Division

Date of Employment: 10-25-06
Date Assigned to Unit: 03-04-07
Prior Founded Force Incidents:

Johnson, Jason - Deputy Sheriff, Employee MW/ 510/225
Men's Central Jail
Custody Division

Date of Employment: 03-01-06
Date Assigned to Unit: 07-09-06
Prior Founded Force Incidents:

- Deputy Sheriff, Employee # MW/ 604/210
Men's Central Jail
Custody Division

Date of Employment:
Date Assigned to Unit:
Prior Founded Force Incidents:

Her, Minh - Deputy Sheriff, Employee # MO/ 506/170
Men's Central Jail
Custody Division

Date of Employment: 05-24-06
Date Assigned to Unit: 11-24-06
Prior Founded Force Incidents:

Vazquez, Hector - Deputy Sheriff, Employee # MH/ 508/180
Men's Central Jail
Custody Division

Date of Employment: 04-25-07
Date Assigned to Unit: 09-02-07
Prior Founded Force Incidents:

- Deputy Sheriff, Employee # MW/ 602/210
Men's Central Jail
Custody Division

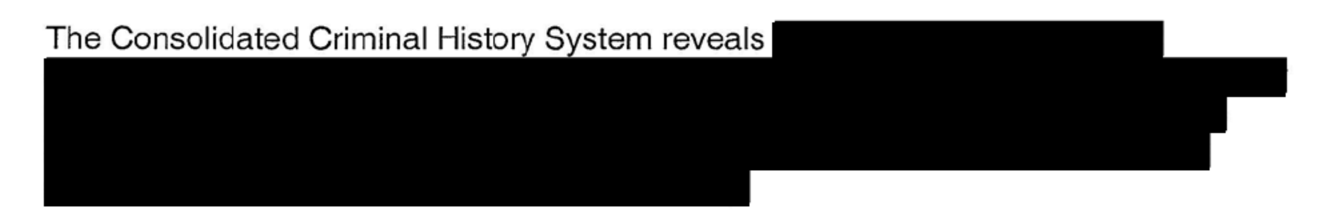
Date of Employment:
Date Assigned to Unit:
Prior Founded Force Incidents:

INVOLVED SUSPECT (S):

Duguerre, Sunny Joseph

Sex:	Male
Race:	Black
Date of Birth:	October 11, 1969
Height:	605
Weight:	290
Booking #	1089611
Charge:	245 (C) P.C. Assault Likely to Produce Great Bodily Injury
Injury:	Facial Fractures, Abrasions

The Consolidated Criminal History System reveals



IAB Note: A copy of Suspect Deguerre's criminal history is included in this report. See Exhibit C.

During his initial classification, Suspect Deguerre claimed peace officer status in New York. During his interview with jail liaison deputies, suspect Deguerre refused to answer any questions regarding any possible prior police assignment. Suspect Deguerre was "De-Classed" to general population. Suspect Deguerre is currently housed at the Twin Towers Correctional Facility, Mental Observation Ward, T172.

IAB Note: Suspect Deguerre's Special Handling Record is included in this report. See Exhibit D.

INVOLVED DEPUTY WITNESSES:

None

DEPARTMENT WITNESSES:

Silva, Christopher - Custody Assistant #

NON-DEPARTMENT WITNESSES:

Los Angeles County Jail Inmates:

, M/B 32, DOB

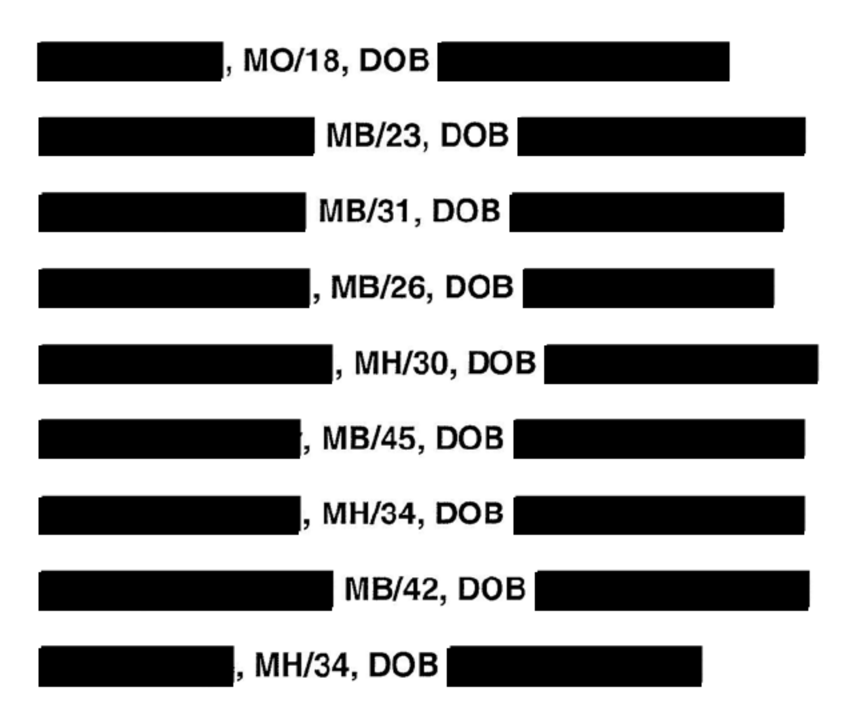
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MB/31, DOB

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MB/42, DOB

, MH/34, DOB

INVOLVED EMPLOYEE STATEMENTS:

Deputy James Krase #, was interviewed on February 2 , 2008 at 2010 hours, by Internal Affairs Bureau Sergeants Carlos Flores and David Stunson. The interview was conducted at Men's Central Jail. Deputy Krase agreed to be interviewed without representation and the interview was recorded for review.

Deputy Krase stated that on the indicated date and time, he was assisting the 2600 and 2800 module deputies prepare transfer lines to Pitchess Detention Center facilities. He said the transferring inmates were instructed to exit their cells and a number would be written on their hand. The number would correspond to the facility they were being transferred to. The inmates would then be directed to enter the module's laundry room where they would wait for their name to be called.

Deputy Krase said that he called Suspect Deguerre to come out of the laundry room and he noticed that he did not have a number on his hand. Deputy Krase, twice instructed Suspect Deguerre's to allow the inmate worker to write a number on his hand but he would not comply. Fearing that the situation would escalate, Deputy Krase directed Suspect Deguerre to face the 2800 module so that he could safely handcuff him. Deputy Krase noticed that Suspect Deguerre was becoming agitated.

Deputy Krase approached Suspect Deguerre and took hold of his right arm in order to place it behind his back for handcuffing. Suspect Deguerre resisted Deputy Krase's efforts to place his arm behind his back and simultaneously made a fist and pulled away from Deputy Krase's grasp. Suspect Deguerre then began to turn toward Deputy

Krase while raising his fists.

Fearing that Suspect Deguerre was about to assault him, Deputy Krase struck him on his face three to five times, with his fists. Suspect Deguerre began swinging his fists, striking Deputy Krase on the left side of his face and upper torso. Deputy Krase took hold of Suspect Deguerre's right leg and with the assistance of other deputies they took him down to the floor. Suspect Deguerre began kicking his legs and swinging his elbows, attempting to strike the deputies. In an attempt to stop Suspect Deguerre's assault, Deputy Krase again struck him on his face two to three times. Deputy Krase's force had little affect as Suspect Deguerre was able to over power the deputy's efforts and get back up on his feet.

Suspect Deguerre continued to fight, swinging his fists violently at deputy personnel. Deputy Krase said he ordered Suspect Deguerre to stop fighting but he would not comply. Deputy Krase said he activated the X-26 Taser, striking Suspect Deguerre in the back with the Taser's prongs. The Taser was activated for one five second cycle however it had no affect on Suspect Deguerre, as he continued to fight. Deputy Krase removed the used Taser cartridge and placed the Taser on Suspect Deguerre's back and again activated it with another two, five second cycles. The Taser apparently had no affect on Suspect Deguerre, as he continued to fight.

Deputies were again able to take Suspect Deguerre back down to the ground but he continued to fight. In an attempt to stop Suspect Deguerre's actions, Deputy Krase again placed the Taser on his back for three, five second cycles. Suspect Deguerre continued to fight and resist the deputies efforts to control him. Discovering that the Taser was not having any affect, Deputy Krase struck Suspect Deguerre's right ankle, approximately ten times with his flashlight.

Suspect Deguerre continued to fight despite the deputy's efforts to restrain him. Deputy Krase said he moved to the right side of Suspect Deguerre's head and again ordered him to stop fighting but he would not comply. Deputy Krase struck Suspect Deguerre in the face approximately six to eight times with his left knee. Suspect Deguerre stopped fighting and was handcuffed by deputies.

Deputy Krase sustained a contusion to his left eye and upper chest and a strained neck.

> **IAB Note:** Photograph of Deputy Krase's injured eye is included with this report. See Exhibit G.

Refer to Deputy Krase's interview transcript for further details.

> **IAB Note:** Refer to Exhibit B, for a copy of Deputy Krase's Supplemental Report documenting his actions, observations and use of force,

under the file # 008-00156-5100-145.

Deputy Adam Villalobos #[redacted], was interviewed on February 15, 2008 at 1517 hours, by Internal Affairs Bureau Sergeant Carlos Flores. The interview was conducted at [redacted] ([redacted]). Deputy Villalobos agreed to be interviewed without representation and the interview was recorded for review.

Deputy Adam Villalobos stated that on February 2, 2008, he was working in the 2800 module. He said that at 0845 hours, he was calling out inmate's names and opening their cells. He said the inmates were being placed on a transfer line to the Pitchess Detention Center.

He said that he heard a commotion behind him and he turned and saw a deputy (Deputy Krase) and an inmate (Suspect Deguerre) involved in a fight. He said that Suspect Deguerre was holding the deputy and swinging his fist at him. He said that the suspect and the deputy were in the 2800 module hallway.

Deputy Villalobos said he immediately went out to the hallway to assist the deputy. He approached Suspect Deguerre, who was still swinging his fists at Deputy Krase, and punched him several times on the right side of the face and on his right shoulder. Deputy Villalobos said he struck Suspect Deguerre with his fists only, however his force had very little affect on Suspect Deguerre, who continued to fight.

Deputy Villalobos said that Suspect Deguerre turned his attention on him by lunging his body towards him. He said Suspect Deguerre utilized his shoulder and "Pinned" Deputy Villalobos against the module's security bars. He said that he momentarily became entrapped between the suspect's body and the security bars.

IAB Note: Deputy Villalobos is five foot seven inches tall and weighs 155 pounds. Suspect Deguerre's records show him to be 6 foot five inches and 290 pounds.

Deputy Villalobos said that when Suspect Deguerre forced him against the security bars, he heard a "pop" and felt tremendous pain on his right shoulder. Deputy Villalobos said he believed that his right shoulder had become dislocated. Deputy Villalobos said he saw several deputies arrive and began assisting Deputy Krase. Deputy Villalobos was able to pull himself from between the bars and Suspect Deguerre but due to the injury to his shoulder, was no longer able to assist the deputies subdue Suspect Deguerre.

Deputy Villalobos said he focused his attention on the inmates who were also standing in the module hallway. He told them to get down on the ground in order to prevent them from possibly becoming involved. Deputy Villalobos said he could not see the

deputies or Suspect Deguerre but could hear the deputies shouting commands, telling him to "stop fighting." He said that the deputies were finally able to handcuff Suspect Deguerre without further incident.

Deputy Villalobos said that the entire incident lasted approximately two minutes. He said that he heard a Taser being deployed but did not see who used it. He did not see any impact weapons being used and is not sure how Suspect Deguerre sustained his injuries.

Deputy Villalobos said he was treated at U.S. Health works and advised that his right shoulder had been dislocated. Due to his injury, Deputy Villalobos has not been able to return to work.

Refer to Deputy Villalobos' interview transcription for further information.

IAB Note: Refer to Exhibit B, for a copy of Deputy Villalobos' Supplemental Report documenting his actions, observations and use of force, under the file # 008-00156-5100-145. (Written by Deputy Jesus Garcia #[redacted])

Deputy Armando Diaz #[redacted], was interviewed on February 5 , 2008 at 0808 hours, by Internal Affairs Bureau Sergeant Carlos Flores. The interview was conducted at Men's Central Jail. Deputy Diaz agreed to be interviewed without representation and the interview was recorded for review.

Deputy Diaz stated that on the indicated date and time he was working as the movement deputy in modules 2500 and 2700. He said he saw numerous deputies run into module 2800. Deputy Diaz responded and saw Suspect Deguerre fighting with Deputy Krase and Deputy Villalobos. Deputy Diaz approached Suspect Deguerre and struck him in the facial area approximately five times with his fists. The force had no affect as Suspect Deguerre continued to swing and kick at deputy personnel.

Deputy Diaz and assisting deputies were able to take Suspect Deguerre down to the floor. While on the floor Suspect Deguerre continued fighting, throwing elbows and kicking his feet. Suspect Deguerre utilized the 2800 security bars and lifted himself up to his feet and continued fighting the deputies.

Utilizing his right leg, Deputy Diaz performed a leg sweep on Suspect Deguerre's right leg which assisted the other deputies in taking him down to the ground. Suspect Deguerre again attempted to get up to his feet at which time Deputy [redacted] Tased him. Deputy Diaz believes Deputy [redacted] used the Taser cartridge as oppose to a "contact tase" because he saw the Taser's wires. Deputy Diaz also observed Deputy Her spray Suspect Deguerre's face with Oleoresin Capsicum.

Deputies were finally able to handcuff Suspect Deguerre. Deputy Diaz stated that the entire incident lasted approximately five minutes. Deputy Diaz did not sustain any injuries during the incident.

Refer to Deputy Diaz' interview transcript for further details.

> **IAB Note:** Refer to Exhibit A, for a copy of Deputy Diaz' Incident Report documenting his actions, observations and use of force, under the file # 008-00156-5100-145.

Deputy Jose Sanchez #[redacted], was interviewed on February 5 , 2008 at 0800 hours, by Internal Affairs Bureau Sergeant Carlos Flores. The interview was conducted at Men's Central Jail. Deputy Sanchez agreed to be interviewed without representation and the interview was recorded for review.

Deputy Sanchez stated that on the indicated date and time he was providing security in the 2000 hallway. He stated that he heard loud yelling coming from the 2800 module. Deputy Sanchez responded and observed Suspect Deguerre hitting Deputy Krase in the face. Deputy Sanchez immediately assisted Deputy Krase by striking Suspect Deguerre several times in the face with his fists.

Deputy Sanchez took hold of Suspect Deguerre's left shoulder and, with the assistance of other deputies, was able to take him down to the floor. Deputy Sanchez said he saw Suspect Deguerre's face strike the concrete floor when they took him down.

Once on the floor, Suspect Deguerre continued to be combative, kicking his feet and swinging his arms. Deputies were shouting commands for him to stop fighting and resisting but he would not comply. Deputy Sanchez stuck Suspect Deguerre several times in the right rib area with his fists, however the force had no affect. Suspect Deguerre utilized the 2800 module security bars and lifted himself up to his feet.

Deputy Sanchez said that additional deputy personnel responded and assisted, taking Suspect Deguerre back down to the floor. Deputy Sanchez said he was pushed out of the way by assisting deputies thus he no longer had any contact with Suspect Deguerre. He said he heard the Taser and could smell Oleoresin Capsicum however he does not know who deployed those weapons.

Deputies were finally able to handcuff Suspect Deguerre without further incident. Deputy Sanchez said the incident lasted approximately five minutes. Deputy Sanchez did not sustain any injuries during the incident.

Refer to Deputy Sanchez' interview transcript for further details.

IAB Note: Refer to Exhibit B, for a copy of Deputy Sanchez' Supplemental Report documenting his actions, observations and use of force, under the file # 008-00156-5100-145.

Deputy Alejandro Hernandez #[redacted], was interviewed on February 5 , 2008 at 0732 hours, by Internal Affairs Bureau Sergeant Carlos Flores. The interview was conducted at Men's Central Jail. Deputy Hernandez agreed to be interviewed without representation and the interview was recorded for review.

Deputy Hernandez stated that on the indicated date and time he was providing security in the 2000 hallway. He heard somebody yelling inside the 2800 module and he entered that module to observe what was occurring. Upon entering the module, Deputy Hernandez observed Suspect Deguerre violently swinging his fists, attempting to hit deputy personnel. Deputy Hernandez immediately struck Suspect Deguerre in the face with his right fist. He said he struck him approximately five to six times.

With the assistance of several deputies, Suspect Deguerre was taken down to the floor however he continued to fight and attempted to get back on his feet. Deputy Hernandez struck Suspect Deguerre two to three times to his right rib area with his right knee. Suspect Deguerre got back up on his feet by utilizing the module's security bars. Suspect Deguerre then continued to fight the deputies, swinging his elbows.

Deputy Hernandez struck Suspect Deguerre two to three times on the left side of his back with his left fist. Suspect Deguerre was again taken down to the floor where he continued to swing his fists and kick his legs. Deputy Hernandez struck Suspect Deguerre four to five times to the right thigh with his left knee. Deputy personnel were finally able to handcuff Suspect Deguerre without further incident.

Deputy Hernandez sustained a contusion to his right hand and wrist during the incident.

Refer to Deputy Hernandez' interview transcript for further details.

IAB Note: Refer to Exhibit B, for a copy of Deputy Hernandez' Supplemental Report documenting his actions, observations and use of force, under the file # 008-00156-5100-145.

Deputy Jason Johnson #[redacted], was interviewed on February 5 , 2008 at 0745 hours, by Internal Affairs Bureau Sergeant Carlos Flores. The interview was conducted at Men's Central Jail. Deputy Johnson agreed to be interviewed without representation and the interview was recorded for review.

Deputy Johnson stated that on the indicated date and time he was providing security on the 2000 floor. He heard commands to "stop fighting" coming from inside the 2800

module. Deputy Johnson responded and observed Suspect Deguerre fighting with deputy personnel. He said the deputies were shouting commands for him to stop fighting but Suspect Deguerre would not comply.

Deputy Johnson attempted to take hold of Suspect Deguerre's right arm however Suspect Deguerre pulled his arm underneath him and attempted to lift himself up off the floor. Deputy Johnson struck Suspect Deguerre right rib area, four to five times with his right knee. The force had little affect as Suspect Deguerre lifted himself up to a standing position.

Deputy Johnson placed his hands around Suspect Deguerre's head and utilizing his body weight and the assistance of other deputies, took Suspect Deguerre back down to the floor. Suspect Deguerre continued to fight and kick his legs. Deputy Johnson struck Suspect Deguerre's right rib area six to seven times with his right knee.

Suspect Deguerre again pulled his arms underneath him in an apparent attempt to stand up. Deputy Johnson placed his body weight on Suspect Deguerre's back and struck him on the right side of his face four to five times with his right elbow. Deputy Johnson was able to take hold and control Suspect Deguerre's right arm and he was handcuffed without further incident. Deputy Johnson did not sustain any injuries during the incident.

Refer to Deputy Johnson's interview transcript for further details.

> **IAB Note:** Refer to Exhibit B, for a copy of Deputy Johnson's Supplemental Report documenting his actions, observations and use of force, under the file # 008-00156-5100-145.

Deputy [redacted] #[redacted], was interviewed on February 2 , 2008 at 2030 hours, by Internal Affairs Bureau Sergeants Carlos Flores and David Stunson. The interview was conducted at Men's Central Jail. Deputy [redacted] agreed to be interviewed without representation and the interview was recorded for review.

Deputy [redacted] stated that on the indicated date and time, he was standing in the 2000 hallway providing security. He heard somebody shouting from inside the 2800 module. Deputy [redacted] responded to the module and saw an inmate on the ground with several deputies on top of him.

Deputy [redacted] also saw several other inmates standing in close proximity. Fearing that the inmates would become involved, Deputy [redacted] focused his attention on them and ordered them to move away and to lay down on the floor. Deputy [redacted] then turned and saw that Suspect Deguerre was struggling violently with deputies and attempting to get up off the floor. He said he saw that Suspect Deguerre was moving his shoulders from side to side, attempting to throw deputies off of him.

Fearing that Suspect Deguerre was about to get up, Deputy placed the X-26 Taser on Suspect Deguerre's upper back and "Contact tased" him with one, five second cycle. He stated that the Taser apparently had no affect as Suspect Deguerre continued to fight and attempted to get up. Deputy again "Contact tased" suspect Deguerre however he continued to fight the deputies.

Suspect Deguerre took hold of the 2800 module security bars and pulled himself up off the floor. Suspect Deguerre began to throw his elbows behind him, attempting to strike deputy personnel. Suspect Deguerre struck Deputy on his nose and left eye with his left elbow. The blow caused Deputy to fall backward.

Deputy stood back up to his feet and saw that Deputy Krase fired a Taser at Suspect Deguerre. It appeared that the prongs of the Taser struck Suspect Deguerre's back however it had absolutely no affect on him, as he continued to fight. Deputy personnel were able to take Suspect Deguerre back down to the floor where he continued to fight. Deputy "Contact tased" suspect Deguerre on his neck and upper back in order to stop his assaults on deputies.

Deputies were finally able to handcuff Suspect Deguerre without further incident. Deputy said that during the entire incident, deputy personnel shouted commands for Suspect Deguerre to stop fighting. Deputy stated that he sustained a contusion to his left eye, nose and right hand.

> **IAB Note:** Photographs of Deputy injuries are included with this report. See Exhibit G.

Refer to Deputy interview transcript for further details.

> **IAB Note:** Refer to Exhibit B, for a copy of Deputy Supplemental Report documenting his actions, observations and use of force, under the file # 008-00156-5100-145.

Deputy Minh Her #, was interviewed on February 2 , 2008 at 2045 hours, by Internal Affairs Bureau Sergeants Carlos Flores and David Stunson. The interview was conducted at Men's Central Jail. Deputy Her agreed to be interviewed without representation and the interview was recorded for review.

Deputy Herr stated that on the indicated date and time, he was standing in the 2000 hallway providing security. He noticed several deputies abruptly enter the 2800 module which caused him to respond to the location to investigate. Upon his arrival he saw Suspect Deguerre struggling with deputy personnel. Suspect Deguerre was violently moving his shoulders from side to side, attempting to throw deputies off of him. Observing Suspect Deguerre's assaultive behavior towards deputy personnel, Deputy Her struck Suspect Deguerre on the right rib area with his right fist. He stated

that Suspect Deguerre continued to fight the deputies.

Deputy Her struck Suspect Deguerre on his right arm and shoulder with his flashlight however his force had no affect, as suspect Deguerre continued to fight. Deputy Her deployed his Freeze Plus P spray and attempted to spray Suspect Deguerre's face, however he turned his head. Deputy Her sprayed Suspect Deguerre two additional times, with the second attempt successfully spraying his face.

Deputy Her said that despite having been sprayed with the Freeze Plus P, Suspect Deguerre continued to fight. Deputy Her kicked Suspect Deguerre's right knee with his left foot, attempting to take him down to the floor. Suspect Deguerre went down to the floor but continued kicking his feet. Using his size and strength, Suspect Deguerre was able to lift himself up off the floor.

With the efforts of several deputies, Suspect Deguerre was again taken down to the ground where he tucked his arms underneath his body, resisting the deputy's efforts to handcuff him. He also continued to kick and move his body from side to side. Deputy Her again sprayed Suspect Deguerre with his Freeze Plus P. He then grabbed Suspect Deguerre's left hand and attempted to place it behind his back however Suspect Deguerre resisted his efforts.

Deputy Her struck Suspect Deguerre approximately five times in the upper thigh and back area with his flashlight. Suspect Deguerre finally allowed the deputies to handcuff him. Deputy Her stated that he and Deputy Johnson handcuffed Suspect Deguerre utilizing two handcuffs. Deputy Her said that he did not sustain any injuries during the incident.

Refer to Deputy Herr's interview transcript for further details.

> **IAB Note:** Refer to Exhibit B, for a copy of Deputy Herr's Supplemental Report documenting his actions, observations and use of force, under the file # 008-00156-5100-145.

Deputy Hector Vazquez #[redacted], was interviewed on February 5 , 2008 at 0830 hours, by Internal Affairs Bureau Sergeant Carlos Flores. The interview was conducted at Men's Central Jail. Deputy Vazquez agreed to be interviewed without representation and the interview was recorded for review.

Deputy Vazquez stated that on the indicated date and time he was working inside the 2200 and 2400 module. He said that he heard, via his hand held radio, that there was a deputy involved in a fight inside the 2800 module.

Deputy Vazquez responded and observed several deputies struggling with Suspect Deguerre. He said he saw Suspect Deguerre holding on to the 2800 module security

bars and thrusting his elbows back in an attempt to strike deputy personnel. Deputy Vazquez approached and struck Suspect Deguerre twice on his head area with his right fist. His force had little affect as Suspect Deguerre continued his assaultive behavior.

As Suspect Deguerre continued to fight, Deputy Vazquez struck him three to five times on his right shoulder with his flashlight. The force had absolutely no affect, as Suspect Deguerre continued to fight. Deputy Vazquez then struck Suspect Deguerre twice on his right wrist and once on his left, with his flashlight. Suspect Deguerre was then taken down to the floor by the assisting deputies.

Suspect Deguerre took hold of the 2800 security bars and lifted himself back on to his feet. Deputy Vazquez struck Suspect Deguerre on his face with his left fist. Suspect Deguerre continued to fight, thrusting his elbows and swinging his fists.

Deputy Vazquez, again utilizing his flashlight, struck Suspect Deguerre on his right shoulder and right wrist. He also heard that the Taser had been deployed and it appeared that the Taser's prongs struck Suspect Deguerre on his back. Deputies were again able to take Suspect Deguerre back down to the floor. Deputy Vazquez placed his left foot on Suspect Deguerre's head in order to keep his head down while the other deputies handcuffed him.

Deputy Vazquez said he did not sustain any injuries during the incident.

Refer to Deputy Vazquez' interview transcript for further details.

IAB Note: Refer to Exhibit B, for a copy of Deputy Vazquez' Supplemental Report documenting his actions, observations and use of force, under the file # 008-00156-5100-145.

Deputy **#**, was interviewed on February 2 , 2008 at 2100 hours, by Internal Affairs Bureau Sergeants Carlos Flores and David Stunson. The interview was conducted at Men's Central Jail. Deputy agreed to be interviewed without representation and the interview was recorded for review.

Deputy stated that on the indicated date and time he was providing security for the 2200 and 2400 modules. He saw several deputies run into the 2800 module and after he secured the inmates he was supervising, he began to respond.

Deputy said that upon his arrival to the 2800 module he saw Suspect Deguerre fighting with several deputies. He said he saw Suspect Deguerre laying on the ground swinging his arms and kicking his legs. Deputies were shouting commands for him to stop fighting and to put his hands behind his back.

Deputy [REDACTED] took hold of Suspect Deguerre's right wrist and ordered Suspect Deguerre to put his arm behind his back but he resisted. Deputy [REDACTED] deployed the X-26 Taser and "Contact tased" Suspect Deguerre on his right shoulder. The Taser apparently had no affect as Suspect Deguerre continued to resist and struggle. Deputy [REDACTED] administered two more five second cycles of the Taser on Suspect Deguerre's right shoulder. Suspect Deguerre was handcuffed by deputies without further incident. Deputy [REDACTED] did not sustain any injuries during the incident.

Refer to Deputy [REDACTED] interview transcript for further details.

> **IAB Note:** Refer to Exhibit B, for a copy of Deputy [REDACTED] Supplemental Report documenting his actions, observations and use of force, under the file # 008-00156-5100-145.

SUSPECT'S STATEMENTS:

Suspect Deguerre was interviewed by the Men's Central Jail Watch Commander, Lieutenant Gary Olson #[REDACTED]. The interview was conducted on February 2, 2008 at 0927 hours, in the Men's Central Jail Clinic. Suspect Deguerre refused to answer any of Lt. Olson's questions. He would not say how he became involved in the altercation with the deputies.

> **IAB Note:** Lt. Olson's interview of Suspect Deguerre was video recorded. A copy of the recording is included in this report. See Exhibit H.

Suspect Deguerre was interviewed on February 2 at 2245 hours, by Internal Affairs Sergeants Carlos Flores and Dave Stunson. The interview was conducted in the Men's Central Jail Clinic. The interview was audio recorded.

Suspect Deguerre stated that due to his religious beliefs, he did not want a number written on his hand. He stated that he is a Seventh Day Adventist. Suspect Deguerre refused to say how he became involved in an altercation with the deputies. He said he never struck any of the deputies, however he was assaulted by them. He said the deputies twisted his arm and hit him. Suspect Deguerre was incoherent and uncooperative during the interview.

Suspect Deguerre complained of pain to his head, eyes, ribs and legs. Suspect Deguerre refused to sign the Disclosure of Medical Records Form.

DEPARTMENT WITNESS STATEMENTS:

Christopher Silva #[redacted], was interviewed on February 5 , 2007 at 0848 hours, by Internal Affairs Bureau Sergeant Carlos Flores. The interview was conducted at Men's Central Jail. Custody Assistant Silva's interview was audio recorded for review.

Custody Assistant Silva stated that on the indicated date and time he was working inside the 2600 module. He said he was calling out inmate's names that were to be transferred to Pitchess Detention Center.

Custody Assistant Silva said he heard a loud commotion behind him and he heard somebody call out "Silva." Custody Assistant Silva looked behind him and saw what appeared to be an inmate involved in a fight with a deputy.

Custody Assistant Silva, utilizing his hand held radio, initiated emergency radio traffic. He stated that several deputies began to arrive to the module and assist. He said he was not able to clearly see what was happening because of the amount of deputies and the obstruction caused by the security bars and mesh.

Custody Assistant Silva said he heard several deputies shouting commands for the Suspect to stop fighting and resisting. He said he heard and smelled that a Taser had been deployed and that Oleoresin Capsicum had been used as well. He stated that the entire incident lasted approximately three to five minutes.

NON-DEPARTMENT WITNESS STATEMENTS:

Sergeants Anthony Velasco #[redacted] and Thomas Looney #[redacted], assigned to Men's Central Jail, interviewed several inmate witnesses. The interviews were video recorded.

> **IAB Note:** DVD containing Video recorded interviews are included in this report. See Exhibit H.

Inmate [redacted] stated that he was in module 2600, assisting Deputy Krase with the transfer lines. He said that part of the procedure is to mark the transferring inmate's hand with a number. That number corresponds to specific cells at the Inmate Reception Center. When Suspect Deguerre's name was called, he refused to allow Inmate [redacted] to mark his hand. He told Inmate [redacted] that due to religious reasons, he did not want his hand marked.

Inmate [redacted] said that Deputy Krase approached Suspect Deguerre and attempted to handcuff him. Inmate [redacted] said he saw Suspect Deguerre resisting Deputy Krase's

efforts to handcuff him and began "throwing blows" at him. Suspect Deguerre began fighting with Deputy Krase.

Inmate [redacted] said that all the inmates, including himself, quickly laid down on the ground and could not see what happened when assisting deputies arrived. He said he heard the deputies ordering Suspect Deguerre to stop fighting and resisting.

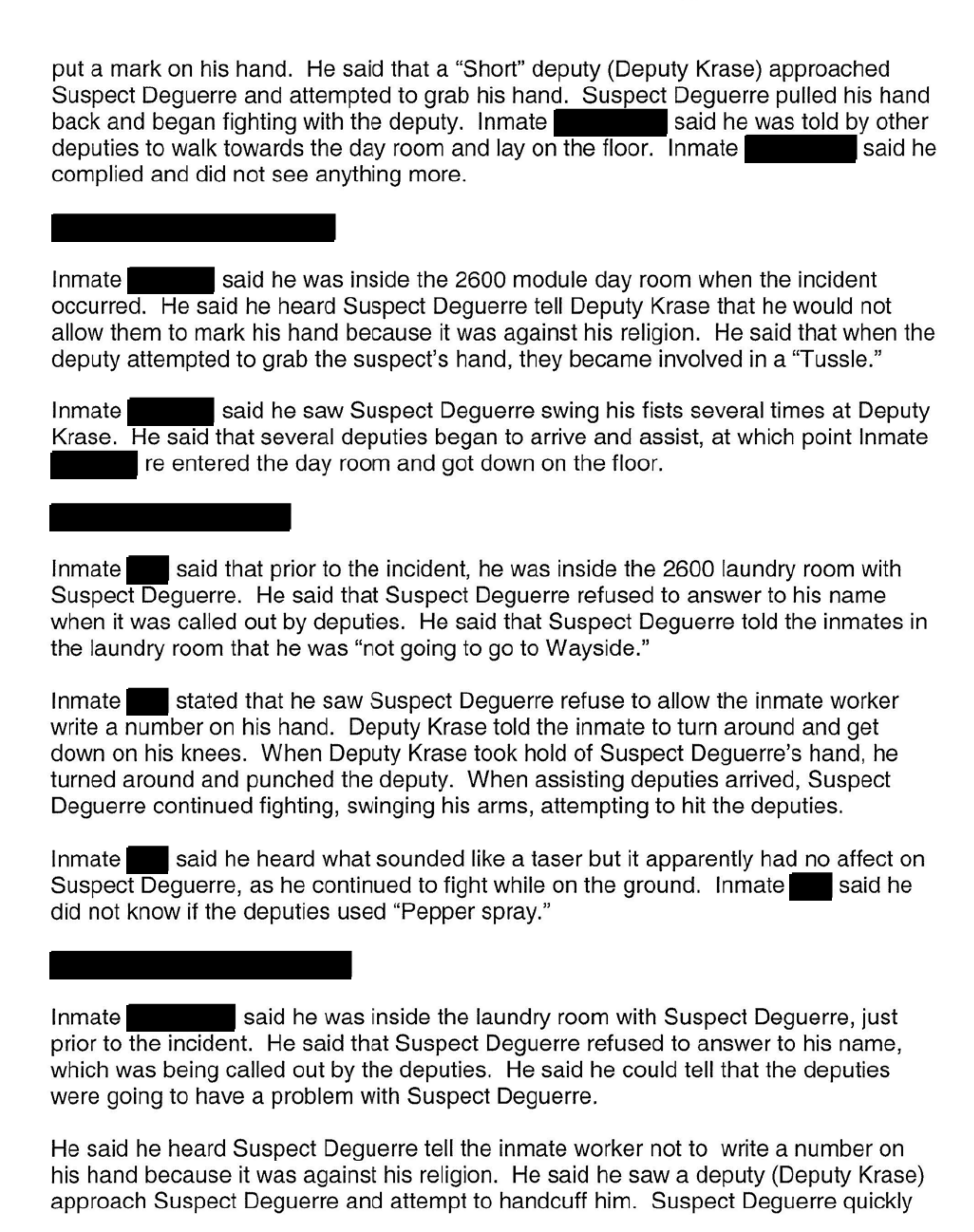
Inmate [redacted] stated that while standing inside the 2600/2800 laundry room, he heard what sounded like a fight in the hallway. He said that he was told to lay face down on the floor, and he complied. He said that he did not see what was occurring but heard several deputies shouting "Get down, put your hands behind your back."

Inmate [redacted] said that he was inside the laundry room when the incident occurred. He said he was waiting for his name to be called because he was being transferred to "Wayside." He saw that Suspect Deguerre would not allow the inmate worker to write a number on his hand. When the deputy (Deputy Krase) attempted to handcuff him, Suspect Deguerre turned his body and began swinging his fists at Deputy Krase.

Inmate [redacted] said he then saw Deputy Villalobos come to Deputy Krase's assistance. He said he saw Suspect Deguerre hit Deputy Villalobos on his shoulder and it appeared that he seriously injured it. He saw several other deputies arrive and assist. He said it took several deputies to take the inmate down to the ground. Inmate [redacted] said that Suspect Deguerre "Put up a damn good fight." Inmate [redacted] said he was then told to re enter the laundry room and lay face down on the floor.

Inmate [redacted] stated that he was inside the 2600 module laundry room when the incident occurred. He said that he saw Suspect Deguerre refuse to allow the inmate worker mark his hand with a number. When the deputy (Deputy Krase) attempted to put Suspect Deguerre's hand behind his back, it appeared as though he started to resist the deputy's efforts. He said he heard deputy Krase tell Suspect Deguerre to "Stop resisting." Inmate [redacted] said he did not see anything more because he was told to lay face down on the floor.

Inmate [redacted] stated that he was standing in front of the 2600 laundry room when the incident occurred. He heard Suspect Deguerre refuse to allow an inmate worker to



put a mark on his hand. He said that a "Short" deputy (Deputy Krase) approached Suspect Deguerre and attempted to grab his hand. Suspect Deguerre pulled his hand back and began fighting with the deputy. Inmate ██████ said he was told by other deputies to walk towards the day room and lay on the floor. Inmate ██████ said he complied and did not see anything more.

██████████

Inmate ██████ said he was inside the 2600 module day room when the incident occurred. He said he heard Suspect Deguerre tell Deputy Krase that he would not allow them to mark his hand because it was against his religion. He said that when the deputy attempted to grab the suspect's hand, they became involved in a "Tussle."

Inmate ██████ said he saw Suspect Deguerre swing his fists several times at Deputy Krase. He said that several deputies began to arrive and assist, at which point Inmate ██████ re entered the day room and got down on the floor.

██████████

Inmate ███ said that prior to the incident, he was inside the 2600 laundry room with Suspect Deguerre. He said that Suspect Deguerre refused to answer to his name when it was called out by deputies. He said that Suspect Deguerre told the inmates in the laundry room that he was "not going to go to Wayside."

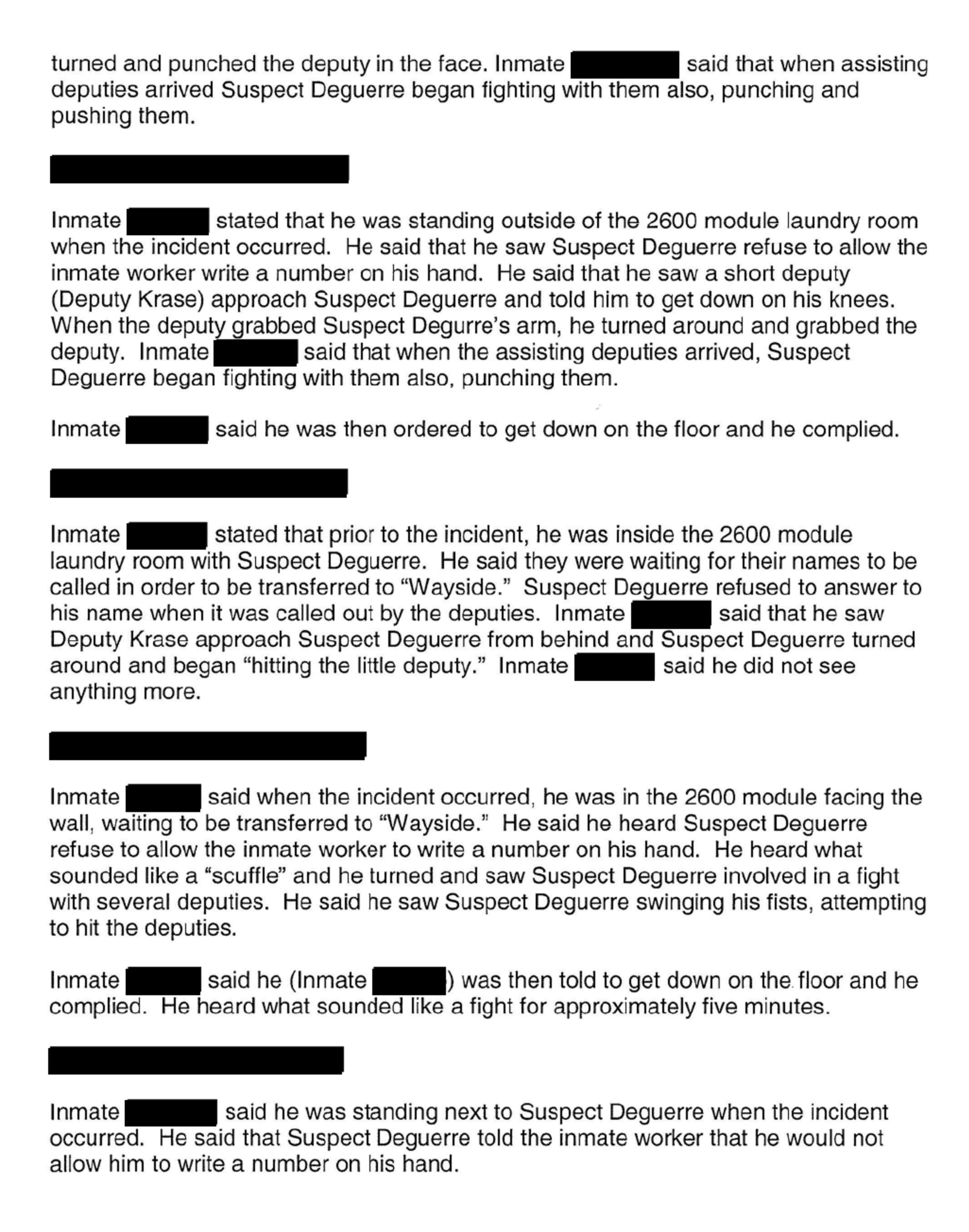
Inmate ███ stated that he saw Suspect Deguerre refuse to allow the inmate worker write a number on his hand. Deputy Krase told the inmate to turn around and get down on his knees. When Deputy Krase took hold of Suspect Deguerre's hand, he turned around and punched the deputy. When assisting deputies arrived, Suspect Deguerre continued fighting, swinging his arms, attempting to hit the deputies.

Inmate ███ said he heard what sounded like a taser but it apparently had no affect on Suspect Deguerre, as he continued to fight while on the ground. Inmate ███ said he did not know if the deputies used "Pepper spray."

██████████

Inmate ██████ said he was inside the laundry room with Suspect Deguerre, just prior to the incident. He said that Suspect Deguerre refused to answer to his name, which was being called out by the deputies. He said he could tell that the deputies were going to have a problem with Suspect Deguerre.

He said he heard Suspect Deguerre tell the inmate worker not to write a number on his hand because it was against his religion. He said he saw a deputy (Deputy Krase) approach Suspect Deguerre and attempt to handcuff him. Suspect Deguerre quickly



turned and punched the deputy in the face. Inmate [redacted] said that when assisting deputies arrived Suspect Deguerre began fighting with them also, punching and pushing them.

Inmate [redacted] stated that he was standing outside of the 2600 module laundry room when the incident occurred. He said that he saw Suspect Deguerre refuse to allow the inmate worker write a number on his hand. He said that he saw a short deputy (Deputy Krase) approach Suspect Deguerre and told him to get down on his knees. When the deputy grabbed Suspect Degurre's arm, he turned around and grabbed the deputy. Inmate [redacted] said that when the assisting deputies arrived, Suspect Deguerre began fighting with them also, punching them.

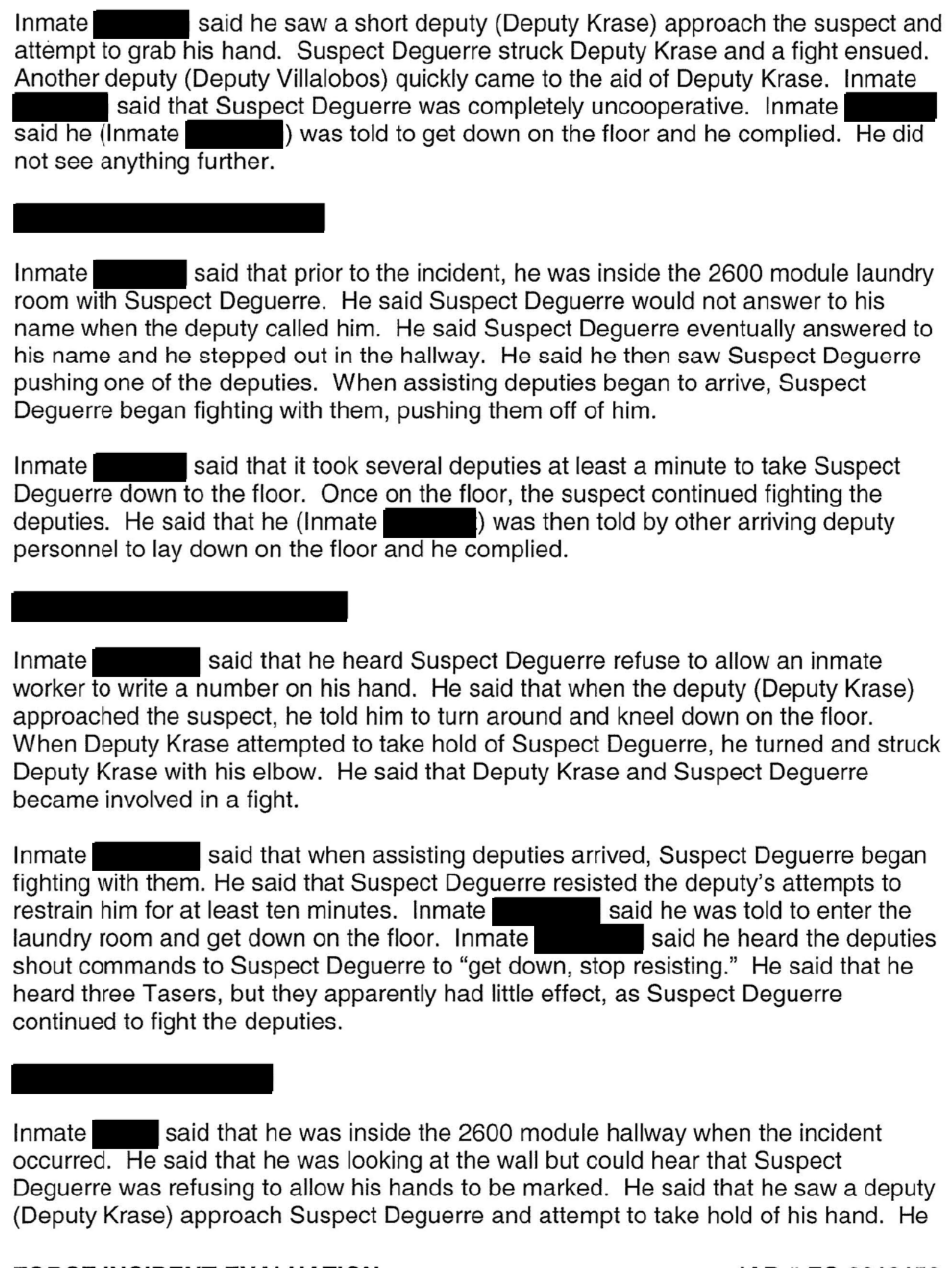
Inmate [redacted] said he was then ordered to get down on the floor and he complied.

Inmate [redacted] stated that prior to the incident, he was inside the 2600 module laundry room with Suspect Deguerre. He said they were waiting for their names to be called in order to be transferred to "Wayside." Suspect Deguerre refused to answer to his name when it was called out by the deputies. Inmate [redacted] said that he saw Deputy Krase approach Suspect Deguerre from behind and Suspect Deguerre turned around and began "hitting the little deputy." Inmate [redacted] said he did not see anything more.

Inmate [redacted] said when the incident occurred, he was in the 2600 module facing the wall, waiting to be transferred to "Wayside." He said he heard Suspect Deguerre refuse to allow the inmate worker to write a number on his hand. He heard what sounded like a "scuffle" and he turned and saw Suspect Deguerre involved in a fight with several deputies. He said he saw Suspect Deguerre swinging his fists, attempting to hit the deputies.

Inmate [redacted] said he (Inmate [redacted]) was then told to get down on the floor and he complied. He heard what sounded like a fight for approximately five minutes.

Inmate [redacted] said he was standing next to Suspect Deguerre when the incident occurred. He said that Suspect Deguerre told the inmate worker that he would not allow him to write a number on his hand.



Inmate [redacted] said he saw a short deputy (Deputy Krase) approach the suspect and attempt to grab his hand. Suspect Deguerre struck Deputy Krase and a fight ensued. Another deputy (Deputy Villalobos) quickly came to the aid of Deputy Krase. Inmate [redacted] said that Suspect Deguerre was completely uncooperative. Inmate [redacted] said he (Inmate [redacted]) was told to get down on the floor and he complied. He did not see anything further.

Inmate [redacted] said that prior to the incident, he was inside the 2600 module laundry room with Suspect Deguerre. He said Suspect Deguerre would not answer to his name when the deputy called him. He said Suspect Deguerre eventually answered to his name and he stepped out in the hallway. He said he then saw Suspect Deguerre pushing one of the deputies. When assisting deputies began to arrive, Suspect Deguerre began fighting with them, pushing them off of him.

Inmate [redacted] said that it took several deputies at least a minute to take Suspect Deguerre down to the floor. Once on the floor, the suspect continued fighting the deputies. He said that he (Inmate [redacted]) was then told by other arriving deputy personnel to lay down on the floor and he complied.

Inmate [redacted] said that he heard Suspect Deguerre refuse to allow an inmate worker to write a number on his hand. He said that when the deputy (Deputy Krase) approached the suspect, he told him to turn around and kneel down on the floor. When Deputy Krase attempted to take hold of Suspect Deguerre, he turned and struck Deputy Krase with his elbow. He said that Deputy Krase and Suspect Deguerre became involved in a fight.

Inmate [redacted] said that when assisting deputies arrived, Suspect Deguerre began fighting with them. He said that Suspect Deguerre resisted the deputy's attempts to restrain him for at least ten minutes. Inmate [redacted] said he was told to enter the laundry room and get down on the floor. Inmate [redacted] said he heard the deputies shout commands to Suspect Deguerre to "get down, stop resisting." He said that he heard three Tasers, but they apparently had little effect, as Suspect Deguerre continued to fight the deputies.

Inmate [redacted] said that he was inside the 2600 module hallway when the incident occurred. He said that he was looking at the wall but could hear that Suspect Deguerre was refusing to allow his hands to be marked. He said that he saw a deputy (Deputy Krase) approach Suspect Deguerre and attempt to take hold of his hand. He

said that the deputy and the suspect became involved in a fight.

Inmate [redacted] said that he called out "Silva," the custody assistants name, so that he could become aware that a deputy was involved in a fight with an inmate. He said that he quickly moved away from where the fight was occurring and he saw assisting deputies enter the module. He said that Suspect Deguerre continued resisting the deputies for several minutes.

SUSPECT'S INJURIES:

Suspect Deguerre was transported to the Los Angeles County Medical Center, located at 1200 State Street in Los Angeles and treated for his injuries. Due to the "Health Insurance Portability and Accountability Act (HIPAA), Sergeant Carlos Flores was unable to obtain any documentation regarding Suspect Deguerre's treatment.

Sergeant Carlos Flores contacted Suspect Deguerre at the Men's Central Jail Clinic. The nursing staff there verbally confirmed that Suspect Deguerre had sustained two facial fractures. They also cited HIPAA regulations, thus they would not provide any documentation. Suspect Deguerre refused to sign a Disclosure of Medical Records Form.

Sergeant Flores observed that Suspect Deguerre's face appeared to be swollen. His forehead also appeared to be slightly swollen. Sergeant Flores also observed some redness to those areas. Suspect Deguerre had several "scrapes" to his legs. Suspect Deguerre complained of pain to his head, body and legs.

> **IAB Note:** Digital photographs were taken of Suspect Deguerre and included in this report. See Exhibit F

INJURIES TO DEPUTY PERSONNEL:

Deputy James Krase sustained a contusion to his left eye.

Deputy Adam Villalobos sustained a separated right shoulder.

Deputy [redacted] sustained a swollen left eye and nose.

Deputy Alejandro Hernandez sustained swelling to his hands.

> **IAB Note:** Digital photographs were taken of the deputy's injuries and are included in this report. See Exhibit G.

PHYSICAL EVIDENCE:

No physical evidence was collected at the scene.

INVESTIGATORS OBSERVATIONS:

Internal Affairs Bureau Sergeants Flores and Stunson responded to the scene several hours after the incident. The scene is a module located on the 2000 floor of the Men's Central Jail. It consists of a concrete floor, metal bars and block walls.

WEAPONS USED BY DEPUTY PERSONNEL:

Personal weapons, Hands, Knees, Oleoresin Capsicum, X-26 Taser, Flashlight.

WEAPONS USED BY SUSPECTS:

Personal weapons, hands, feet.

PROPERTY DAMAGE:

None

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator: Jail Investigations Unit, Men's Central Jail
Court: Criminal Courts Building

WEATHER CONDITIONS AND LIGHTING CONDITIONS:

The incident occurred in a well lit module at Men's Central Jail